REMARKS

In response to the Office Action dated February 1, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-2, 4-8, 10-13, and 15-16 are pending in this application. Claims 3, 9, and 14 have been canceled without prejudice or disclaimer.

IDS Acknowledgment of WO 00/41426

Examiner Sikri is respectfully requested to "sign off" on a citation in an Information Disclosure Statement. WO 00/41426 was submitted November 8, 2007 as a "Foreign Patent Document." Examiner Sikri, however, did not initialize the IDS for this submission, indicating the Examiner considered the document. Examiner Sikri is respectfully requested to "sign off" on this submission.

Rejection of Claims under § 103 (a) over *Logan* & *Ando*

The Office rejected claims 1-2, 10-12, 15, and 16 under 35 U.S.C. § 103 (a) as allegedly being obvious over U.S. Patent Application Publication 2003/0093790 to Logan, *et al.* in view of U.S. Patent Application Publication 2003/0126610 to Ando.

These claims, however, cannot be obvious over *Logan* with *Ando*. These claims already recite, or incorporate, many features that are not disclosed or suggested by the combined teaching of *Logan* with *Ando*. Independent claim 1, for example, recites "*sending a reservation to reserve a routing path, the reservation instructing a device to only accept packets of data destined for that routing path, the reservation specifying a window of time in which the packets of data are received and processed*" (emphasis added). For the Examiner's convenience, independent claim 1 is reproduced below, and independent claims 15 and 16 recite similar features.

[c01]   A method of providing communications services, comprising:

> receiving a request for data;
>
> assessing in real-time an availability of network routing to fulfill the request;
>
> assessing in real-time an availability of network bandwidth to fulfill the request;
>
> ascertaining a preferred scenario of segmentation, dispersion, and assemblage of electronic data to fulfill the request;
>
> sending a reservation to reserve a routing path, the reservation instructing a device to only accept packets of data destined for that routing path, the reservation specifying a window of time in which the packets of data are received and processed;
>
> receiving a data stream to fulfill the request;
>
> recursively segmenting the data stream into segments, such that a characteristic of a preceding segment determines how a current segment is segmented;
>
> when a processing service is required, then grouping together individual packets of data as a new segment, each of the individual packets in the new segment requiring the processing service;
>
> dispersing the new segment via a network to receive the processing service;
>
> receiving a result of the processing service;
>
> assembling formatted data comprising the result of the processing service and at least one of the recursively segmented segments; and
>
> communicating the formatted data to fulfill the request.

Logan with *Ando* cannot obviate at least these features. *Logan* segments broadcast programming and uses demographics and preferences to select segments that match the needs of users. *See* U.S. Patent Application Publication 2003/0093790 to Logan, *et al.* at paragraphs [0043], [0045], and [0047]. *Ando* describes an IP streaming system in which resources are reserved. *See* U.S. Patent Application Publication 2003/0126610 to Ando at [0019]. *Ando*, though, reserves a "frequency band" for video-on-demand content. *See id.* at [0021]. That is, a user's terminal (*e.g.*, set-top box) is instructed to switch to a different frequency band for receiving video-on-demand content verses a different frequency band for broadcast content. *See id.* at [0024]. This frequency reservation "**caus[es] the network router to reserve an operating frequency band for the CATV cable.**" *Id.* at [0028] (emphasis added). A request is generated "**to reserve a band**" to "check whether a VOD content can be distributed by using a network resource (a bandwidth that can be reserved or the maximum packet length)." *Id.* at [0090].

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Logan and *Ando*, then, do not teach what the Office alleges. The combined teaching of *Logan* with *Ando* reserves a **frequency band** for the transmission of video-on-demand content. *Logan* with *Ando* also very briefly mentions reservation of a maximum packet length. *Logan* and *Ando* fail to teach or suggest "*sending a reservation to reserve a routing path, the reservation instructing a device to only accept packets of data destined for that routing path, the reservation specifying a window of time in which the packets of data are received and processed*" (emphasis added). Because *Logan* and *Ando* fail to teach or suggest this reservation of a window of time, one of ordinary skill in the art would not think that independent claims 1, 15, and 16 are obvious.

Independent claims 15 and 16 recite even more distinguishing features. Independent claims 15 and 16, for example, recite "*determining a subcontracted processing service is required from a different service provider*" and "*grouping together individual packets of data as a new segment that requires the subcontracted processing service.*" Independent claims 15 and 16 also recite "*subcontracting the new segment via a network to the different service provider to receive the subcontracted processing service*" and "*receiving a result of the subcontracted processing service.*" Support for such features may be found at least at paragraphs [0025] through [0027] of United States Application No. 10/720,587 (Attorney Docket 030353), which is incorporated by reference. Subcontracting of processing services is also supported by paragraphs [0023] and [0024] of United States Application No. 10/720,941 (Attorney Docket 030006), which is also incorporated by reference. As both *Logan* and *Ando* are wholly silent to subcontracting of segments to a different service provider, processing services, one of ordinary skill in the art would not think that independent claims 15 and 16 are obvious.

Claims 1-2, 4-8, 10-13, and 15-16, then, are not obvious over the proposed combination of *Logan* and *Ando*. Independent claims 1, 15, and 16 recite many features that are not taught or suggested by *Logan* and *Ando*. The respective dependent claims incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1-2, 4-8, 10-13, and 15-16 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims under § 103 (a) over *Ando, Logan & McKinnin*

The Office rejected claims 4-8 and 13 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Ando* in view of *Logan* and further in view of U.S. Patent 6,917,628 to McKinnin, *et al.*

Claims 4-8 and 13, though, are not obvious over the combined teaching of *Ando, Logan* and *McKinnin.* These claims ultimately depend from independent claim 1 and, therefore, incorporate the same distinguishing features. As the above paragraphs already explained, both *Logan* and *Ando* fail to teach or suggest at least *"sending a reservation to reserve a routing path, the reservation instructing a device to only accept packets of data destined for that routing path, the reservation specifying a window of time in which the packets of data are received and processed"* (emphasis added).

McKinnin does not cure *Logan* and *Ando's* deficiencies. *McKinnin* allocates bandwidth to users of cable modems. *See* U.S. Patent 6,917,628 to McKinnin, *et al.* at column 7, lines 54-58. Bandwidth consumed is compared to a bandwidth allowance. *See id.* at column 10, lines 35-41 and at column 11, lines 1-5. Available bandwidth may be prioritized amongst cable modems, based on "prioritization policies," such as a user's service level agreement guarantees. *See id.* at column 13, line 45 through column 14, line 40. Even "fairness considerations" may be considered when prioritizing bandwidth between cable modems. *See id.* at column 14, lines 46-67.

Even so, *Ando, Logan* and *McKinnin* do not obviate independent claim 1. The proposed combination of *Ando, Logan* and *McKinnin* fail to teach or suggest *"sending a reservation to reserve a routing path, the reservation instructing a device to only accept packets of data destined for that routing path, the reservation specifying a window of time in which the packets of data are received and processed"* (emphasis added). Because *Ando, Logan* and *McKinnin* fail to teach or suggest this reservation of a window of time, one of ordinary skill in the art would not think that independent claim 1 is obvious.
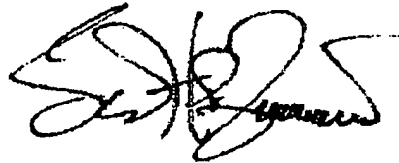
Moreover, the dependent claims also recite distinguishing features. Dependent claim 4, for example, recites *"issuing an assertion to a different service provider that indicates the different service provider correctly performed the processing service according to a Service Level Agreement."* The Office cites to columns 13 and 14 of *McKinnin*, but *McKinnin* makes no such teaching. As the above paragraphs explained, columns 13 and 14 of *McKinnin* discuss prioritization schemes for bandwidth allocation between cable modems. The proposed combination of *Ando, Logan* and *McKinnin*, quite simply, fails to teach or suggest the entire concept of *"assertions ... that indicat[e] the different service provider correctly performed the processing service according to a Service Level Agreement."* Even though *McKinnin* discusses service level agreements, *McKinnin* teaches nothing like assertions to a different service provider. As dependent claims 5-8 depend from claim 4, claims 5-8 are, likewise, patentably distinguishable over *Ando, Logan* and *McKinnin.*

Claims 4-8 and 13, then, are not obvious over the proposed combination of *Ando, Logan* and *McKinnin.* Independent claim 1 recites many features that are not taught or suggested by *Ando, Logan* and *McKinnin.* Dependent claims 4-8 and 13 incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 4-8 and 13 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

Respectfully submitted,

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